

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JASON DELEON, ANA CARRACA-DELEON,
ARIELA ROSA MORI-GEHRING, and
WALTER GEHRING,

Plaintiffs,

-against-

DOUGLAS DUNAWAY, MARIA LOUISE
DUNAWAY, and MICHAEL DUNAWAY,

Defendants.

Case No.:

VERIFIED COMPLAINT

JURY TRIAL DEMANDED

Plaintiffs, by and through their undersigned counsel, Lachtman Cohen P.C., bring this action against Defendants and allege as follows:

INTRODUCTION

***“The ache for home lives in all of us. The safe place where
we can go as we are and not be questioned.” - Maya Angelou***

1. A home should be a place of peace, refuge and security, and a safe haven to hideaway or escape life’s challenges. Unfortunately, for many minority families, it is not, because neighbor-on-neighbor harassment targeting minorities is widespread.¹

2. As the U.S. Department of Housing and Urban Development recognized, discrimination based on race, color, or national origin, and the use of slurs, epithets, and other verbal harassment, constitute intimidation that interferes with a person’s right to enjoy their home.²

3. According to a study conducted in 2017, 21% of Hispanic people reported that they were told, or felt, that they would not be welcome in a neighborhood.³

¹ See, e.g., Jeannine Bell, *Restraining the Heartless: Racist Speech and Minority Rights*, 84 IND. L.J. 963, 964 (2009) (“[I]n the past twenty years, minorities moving to all-White neighborhoods in cities across the country have faced slurs, epithets, and other expressions of racism directed at them by White neighbors who wish to drive them out of the community.”).

² See 24 CFR § 100.400(c)(2).

³ *Discrimination in America: Experiences and Views of Latinos*, Harvard T.H. Chan School of Public Health, Robert Wood Johnson Foundation, and National Public Radio, November 1, 2017.

4. Over the course of many years, Defendants have sent a very loud and clear message to Plaintiffs and other Hispanics: you are not welcome on Staub Court.

5. Staub Court in the Village of Mamaroneck is a private road/driveway with multifamily homes that is shared by several neighbors as a means of ingress and egress to and from Ward Avenue. It is an appealing location because it is steps away from the Mamaroneck train station, shops, restaurants, and entertainment in the heart of downtown Mamaroneck, Harbor Island Park, playgrounds, picnic areas, sports fields, and a beach.

6. Plaintiffs are married couples, each including an Hispanic spouse, who live on Staub Court. They are educated, charitable, hardworking entrepreneurs and health care providers, people of faith, and devoted parents who take pride in raising their children to have a strong moral compass and treat everyone equally and with respect. Although Plaintiffs come from different backgrounds, they share a deep love of this country, their community, and core American values, including their rights to use and hold property, peacefully enjoy their homes, and live in harmony with their neighbors free of discrimination. They bring this lawsuit to defend these rights.

7. Defendants are a husband and wife and their adult son, who also live on Staub Court. On a full-time, daily basis, they viciously terrorize Plaintiffs with hateful racist and anti-immigrant speech, bullying and intimidation, and cause Plaintiffs to fear for their safety.

8. To that end, Defendants have chanted “White Supremacy! White Supremacy!” outside the homes of Hispanic families on Staub Court, and subject Plaintiffs and their families, friends, tenants, and others who have come to visit them to a daily barrage of racial epithets and slurs, including:

- “Spic”;
- “Fucking nigger spic”;

- “Stupid spic”;
- “Fucking spic”;
- “Bastard spic child”;
- “Wetback”;
- “Spic whore”;
- “South American bastard”;
- “South American bitch”; and,
- “Damn foreigners.”

9. In addition, Defendants made it known that they own a gun, and threaten Plaintiffs and their families, friends, and tenants and say, among other things:

- “I’m going to get my gun and kill your spic ass, and your wife and newborn child!”;
- “Go back to your fucking country!”;
- “Damn foreigners. You don’t belong here.”;
- “Fuck you, wetback! Go back to your shithole country!”;
- “What’s wrong with you foreigners? You come into this country and think you can do what you like? Go back to Mexico where you belong.”;
- “You don’t belong here.”;
- “Those foreigners keep coming and going. They should just stay away.”;
- “Keep that Mexican rat away from my house!”; and,
- “I will beat your ass motherfucker!”

10. In further pursuit of their unrelenting agenda of driving Hispanic people out of Staub Court, Defendants, individually and in concert, commit many of the following acts of harassment, intimidation, and terror on a daily basis:

- Physically assault, shove, and spit on, Plaintiffs;
- Stalk and videotape Plaintiffs and their families, including young children, and friends;
- Trespass on, and take photos of, Plaintiffs and their properties;
- Throw dog feces, human urine, and urine-soaked wipes onto Plaintiffs' properties;
- Put apples or other objects on the steps of their homes, creating a dangerous condition;
- Block the Staub Court driveway to prevent Plaintiffs from leaving;
- Block deliveries for Plaintiffs from entering Staub Court;
- Interfere with contractors performing improvement work on Plaintiffs' properties;
- Interfere with and disrupt Plaintiffs' social gatherings;
- Spit saliva and gum on Plaintiffs' properties and close to Plaintiffs as they walk by;
- Throw garbage and debris onto Plaintiffs' properties and front steps;
- Kick and destroy anything outside Plaintiffs' homes, including garbage and recycling;
- Set off a loud car alarm and honk their horn when Plaintiffs are walking by and at night;
- Play extremely loud music for a long period of time at night or on weekend mornings;
- Flash an irritating neon light directly into Plaintiffs' windows;
- Let their dog roam free, scare Plaintiffs, and bark at all hours of the day and night;
- Lead their dog to Plaintiffs' patios to bark continuously until Plaintiffs are forced to abruptly end their social gatherings or the police are called;
- File false police reports and charges about Plaintiffs, all of which have been dismissed, but not before they have a significant emotional and financial impact on Plaintiffs and their families; and,
- Threaten to file baseless lawsuits against Plaintiffs.

11. As a result, Plaintiffs cannot walk on Staub Court and feel comfortable around their homes. Defendants' racist and anti-immigrant campaign of terror has resulted in life-altering disruption and damage to Plaintiffs' familial and social relationships, placed tremendous stress on Plaintiffs, and caused them to suffer emotional distress that prevents them from enjoying their homes and the basic sense of peace, safety and tranquility that most people can take for granted.

12. Plaintiffs challenge Defendants' unlawful and discriminatory acts under the laws of the United States of America and the State of New York and seek injunctive relief and damages for the deprivation and denial of their rights and recovery for Defendants' tortious conduct.

13. The impact of Plaintiffs' claims extends far beyond this case. Failing to hold Defendants responsible would set a dangerous precedent and signal to others that they can harass Hispanics to drive them out of their neighborhoods. This Court should not condone such a result.

BASIS OF THE ALLEGATIONS

14. Plaintiffs make their allegations upon information and belief, except as to those about Plaintiffs and others, which are based on personal knowledge. Plaintiffs' information and belief is based on, *inter alia*, the investigation conducted by Plaintiffs and their counsel, statements by current and former Staub Court residents and neighbors, and information about Defendants.

JURISDICTION AND VENUE

15. This Court has subject-matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343, as it involves questions about the deprivation of Plaintiffs' rights under federal law.

16. This Court has supplemental jurisdiction over Plaintiffs' related claims arising under state law pursuant to 28 U.S.C. § 1367(a).

17. Venue is proper pursuant to 28 U.S.C. § 1391(b) because the acts or omissions giving rise to this action, including the unlawful conduct alleged herein, occurred in this District.

PARTIES

The Plaintiffs

18. Plaintiff Jason DeLeon (“Jason”) resides at 1 Staub Court, Mamaroneck, New York. He is Hispanic (of Puerto Rican origin) and the husband of plaintiff Ana Carraca- DeLeon.

19. Plaintiff Ana Carraca-DeLeon (“Ana”) resides at 1 Staub Court, Mamaroneck, New York. She is Jason’s wife. (Jason and Ana are, collectively, the “DeLeons”).

20. Plaintiff Ariela Mori-Gehring (“Ariela”) resides at 5 Staub Court, Mamaroneck, New York. She is Hispanic (of Peruvian origin) and the wife of plaintiff Walter Gehring.

21. Plaintiff Walter Gehring (“Walt”) resides at 5 Staub Court, Mamaroneck, New York. He is Ariela’s husband. (Ariela and Walt are, collectively, the “Gehrings”).

The Defendants

22. Defendant Douglas Dunaway (“Douglas”) resides at 4 Staub Court, Mamaroneck, New York. He is the husband of defendant Maria Louise Dunaway and the father of defendant Michael Dunaway.

23. Defendant Maria Louise Dunaway (“Louise”) resides at 4 Staub Court, Mamaroneck, New York. She is the wife of defendant Douglas Dunaway and the mother of defendant Michael Dunaway.

24. For 30 years, Louise was the Court Clerk for the Village of Mamaroneck Justice Court. During that time, the Dunaways developed relationships with Village of Mamaroneck police officers, officials, and judges, and they leverage those relationships to intimidate Plaintiffs and make them feel helpless.

25. Defendant Michael Dunaway (“Michael”) resides at 4 Staub Court, Mamaroneck, New York. He is the son of defendants Douglas and Louise. (Douglas, Louise, and Michael are, collectively, the “Dunaways”).

CONFIDENTIAL WITNESSES

26. Several of Plaintiffs’ family members and acquaintances and current and former neighbors and tenants experienced and/or witnessed Defendants’ harassment and intimidation and racial and discriminatory animus towards Hispanics. Each is designated as “CW__.”

27. CW1 is Hispanic and in his 30’s. He lived on Staub Court from 2016 to 2022 and was subjected to Defendants’ harassment and intimidation and racial and discriminatory animus.

28. CW2 is Hispanic and in his 30’s. He is CW1’s brother. He lived on Staub Court from 2016 to 2022 and was subjected to Defendants’ harassment and intimidation and racial and discriminatory animus towards Hispanics.

29. CW3 is Hispanic and in his 30’s. He lived on Staub Court from 2016 to 2021 and was subjected to Defendants’ harassment and intimidation and racial and discriminatory animus towards Hispanics.

30. CW4 is Hispanic and in her 30’s. She is CW3’s wife. She lived on Staub Court from 2016 to 2021 and was subjected to Defendants’ harassment and intimidation and racial and discriminatory animus towards Hispanics.

31. CW5 is in her 40’s and lived on Staub Court from 2006 to 2018. She witnessed Defendants’ harassment and intimidation and racial and discriminatory animus towards Hispanics.

32. CW6 is in her 40’s and lived on Staub Court from 2012 to 2021. She was a tenant of certain plaintiffs and witnessed Defendants’ harassment and intimidation and racial and discriminatory animus towards Hispanics.

33. CW7 is Hispanic and in his 30's. He lived on Staub Court from 2005 to 2020. He was a tenant of certain plaintiffs and was subjected to Defendants' harassment and intimidation and racial and discriminatory animus towards Hispanics.

34. CW8 is Hispanic and in her 30's. She lived on Staub Court from 2005 to 2020. She was a tenant of certain plaintiffs and was subjected to Defendants' harassment and intimidation and racial and discriminatory animus towards Hispanics.

35. CW9 is Hispanic and in her 30's. She was dating CW1 when he lived on Staub Court and was subjected to Defendants' harassment and intimidation and racial and discriminatory animus towards Hispanics.

36. CW10 is in his 60's. He performed home improvement work for the Gehrings from September to December 2020. Because of his association with the Gehrings, he was subjected to Defendants' harassment and intimidation while working for the Gehrings on Staub Court.

37. CW11 is Hispanic and in his 30's. He is a relative of Ariela who came to visit the Gehrings on numerous occasions and was subjected to Defendants' harassment and intimidation and racial and discriminatory animus towards Hispanics.

38. CW12 is Hispanic and in her 40's. She is a friend of Ariela who came to visit the Gehrings and was subjected to Defendants' harassment and intimidation and racial and discriminatory animus towards Hispanics.

39. CW13 is Hispanic and in her 40's. She is CW11's girlfriend who was subjected to Defendants' harassment and intimidation and racial and discriminatory animus towards Hispanics.

40. CW14 is Hispanic and in his 40's. He lives on Staub Court with his family and is a tenant of certain plaintiffs. He and his family have been subjected to Defendants' harassment and intimidation and racial and discriminatory animus towards Hispanics.

FACTUAL ALLEGATIONS

The Plaintiffs are Well-Rounded and Accomplished Individuals

41. Jason is the epitome of a self-made man. After overcoming a difficult childhood, during which he lived in orphanages and foster homes, he obtained a Bachelor's Degree in Hospitality and Business from Johnson & Wales University, which he attended on an academic scholarship. Over the course of many years, Jason has worked tirelessly – 6-7 full days a week – to achieve the “American Dream” and make a better life for himself, his wife Ana, and their 5-year old daughter. He now owns and operates a thriving home improvement business.

42. Ana holds a Bachelor's Degree in Marketing from Saint Thomas Aquinas College. For many years, she has been working for one of the world's largest and most prestigious asset management companies, where she is a trusted and well-respected member of her team.

43. Jason and Ana are active parishioners of their church and have always given back to society. Ana volunteers for several charitable organizations, including the Larchmont Mamaroneck Food Pantry. Most of all, they are loving parents of a 5-year old daughter, for whom they set a great example and work hard to give the happiest, healthiest and best life.

44. Ariela grew up in Peru, where she was raised in a small village in the mountains above Lima. She grew up in a hut with a dirt floor and no running water or indoor plumbing. After graduating from high school and emigrating to the United States, Ariela spent several years as a loving and devoted mother raising two children. Her son is in college, and her daughter, who just graduated from high school, aspires to attend law school and become an immigration attorney.

45. Ariela started her own business, a successful Juice Bar, that she has been operating for over 10 years. She works 50-60 hours a week.

46. In addition, Ariela is an active member of her church and has always been dedicated to giving back to society. She volunteers for the local soup kitchen and food pantry, which serves the needs of poor immigrant youth and their families.

47. Walt holds a Bachelor of Arts in English Literature from SUNY Oswego. After successful careers in the insurance industry, he attended Crouse Hospital School of Nursing and became a registered nurse. For the last 12 years, he has been working for the NYS Office of Mental Health, where he helps people who suffer from mental illness and developmental disabilities.

48. Walt is also the proud father of a son, who is serving in the U.S. Army, and a daughter, who is a phlebotomist and a nursing student. Walt has always been dedicated to giving back to society. He is actively involved in the National Alliance on Mental Illness. In addition, he has started support organizations, including “My Brother’s Keeper” and “For Kids’ Sake,” to help needy individuals and families.

**Before the Plaintiffs, the Dunaways Harassed
and Intimidated Other Hispanic Residents of Staub Court**

49. In 2016, CW1, CW2, CW3, and CW4 moved into 6 Staub Court.

50. After CW1, CW2, CW3, and CW4 moved in, Ana and a neighbor, CW5, formerly of 6 Staub Court, saw and heard Michael standing under CW1’s bedroom window yelling:

“You fucking nigger spic! Go back to your fucking country!”

51. During that time period, on numerous occasions, Ana and CW5 also saw and heard Michael walk past 6 Staub Court and yell: **“Nigger spic.”**

52. In 2017, the Dunaways made false allegations that CW3/CW4’s dog bit Douglas and, based on these false allegations, obtained an Order of Protection against CW3 for over a year.

53. To avoid the possibility of additional false claims, CW3/CW4 relocated their dogs to CW3’s mother’s house in the Bronx.

54. In addition, the Dunaways continued to call the Village of Mamaroneck Police Department (“VOMPD”) and lodge false allegations to keep their OOP against CW3 active. This lasted for a year until the case was dismissed. Because of this false complaint, CW3/CW4 lost thousands of dollars of hard-earned money that they were forced to spend on attorney’s fees.

55. The Dunaways also falsely alleged to VOMPD that CW3/CW4 got out of their car and “gave them dirty looks.”

56. CW3 was the victim of four baseless prosecutions initiated by the Dunaways, each of which was dismissed.

57. The Dunaways constantly filmed CW3/CW4 entering and exiting their home. The ordeal was taxing on them emotionally, mentally and financially.

58. The Dunaways succeeded in driving these Hispanics out of Staub Court. CW3/CW4 moved out in September 2021 and CW1/CW2 moved out in March 2022.

January 2017: Jason DeLeon Moves Into Staub Court

59. In early January 2017, after marrying Ana, Jason moved into Ana’s family’s home at 1 Staub Court. Before then, Ana never had problems with the Dunaways.

60. But after her Hispanic husband moved in, everything changed.

61. A few days after Jason moved in, Ana saw Douglas outside on Staub Court. Referring to Jason, Douglas, who knew nothing about Jason other than that he is Hispanic, said:

“Where did you meet THIS guy? In the BRONX?”

62. One day in January 2017, Jason was cleaning snow off their driveway to clear a passageway for Ana to walk without falling because she was pregnant, and Michael attacked him from behind by grabbing him by the shoulder and pulling him. Jason was startled because he could not hear due to the music he was listening to (with air pods) and noise from the snow blower.

When Jason turned around to see what was happening, Michael stepped in front of the snow blower, got in Jason's face, and screamed foul racial epithets, including:

“Run me over you motherfucking stupid spic!”

63. To avoid conflict, Jason walked away.

64. But Michael wasn't finished. He called VOMPD and they were dispatched. When the police arrived, Michael falsely alleged that Jason had a weapon and tried to hurt him. The alleged “weapon” was a shovel that Jason had also been using to remove the snow.

65. After the incident, which Ana witnessed, Douglas walked past Ana and said:

“You better watch yourself Ana. You brought this on yourself.”

66. Douglas's message was clear: Ana “brought this on [herself]” by bringing a Hispanic to Staub Court.

67. From February to May 2017, on numerous occasions when Jason was outside doing maintenance on the property, Douglas made comments to Ana about Jason, including:

“Your parents couldn't possibly approve of this.”

68. During that time period, Jason tried to become friendly with the Dunaways. He would say hello, but they would ignore him. He would offer to help Louise carry groceries up Staub Court to the Dunaways' house, but she would grunt at him. Since Jason moved into Staub Court, the Dunaways have not offered Jason even a single pleasantry.

69. In June 2017, when Ana was eight months pregnant, Douglas said to Ana as she walked by: “What's up, watermelon?”

70. Throughout 2017, every time Jason was outside maintaining their property, which was at least once a week, the Dunaways watched, stalked, and videoed him like he was a trespasser, and made him feel like a criminal in his own home.

71. In November 2017, Jason returned home one night from picking up dinner and it was dark outside. Jason caught Michael putting apples on the DeLeons' steps, which is dangerous, especially at night. When Jason politely asked Michael why he was, Michael said:

“Go fuck yourself you stupid spic!”

72. The DeLeons called VOMPD and Lieutenant DiRuzza was dispatched. Ana explained to Lieutenant DiRuzza that they have a 3-month old daughter and putting apples at night on the steps causes a hazardous condition, such that Ana could have fallen with her infant. Lieutenant DiRuzza told Ana to “not engage them” and “ignore and stay away from them.”

73. Countless times, the DeLeons have caught Michael putting apples or other objects on the steps of their home.

74. In April 2018, Jason was outside of the DeLeons' home. Michael walked by and started a confrontation, which ended with Michael saying to Jason:

**“I’m going to get my gun and kill your spic ass,
and your wife and your newborn child!”**

75. Upon information and belief, Douglas is a registered gun owner. Ana and Jason know this and have always been fearful that Michael will gain access to the firearm(s) and make good on his threats.

76. In May 2018, Jason was outside the DeLeons' home with his then 12-year old son, who is also Hispanic. Michael yelled at Jason and his son that he “was going to kill, shoot, murder, slaughter, stab and bury” Jason and his **“bastard spic child.”**

77. Because of that incident, for three months, Jason's son refused to come to visit the DeLeons, and when he finally returned, every time Michael saw him, which was at least three or four occasions, he called him a **“bastard spic child.”**

78. On June 9, 2018, Jason dropped CW1 off at home on Staub Court and then headed back out to work, but Michael blocked the driveway and prevented Jason from leaving, threatened to beat and kill Jason, and called him various racist and derogatory names, including a **“fucking spic”** and a **“stupid spic.”**

79. On July 30, 2018, Michael laid down on the DeLeons’ front steps, prevented Jason from entering his own home with CW1, and called Jason a **“fucking spic.”**

80. Michael then got up and took a swing at Jason, threatened to shoot and kill Jason and CW1, and charged at them to attempt an assault.

81. Michael also threatened to “get the building department on your house.”

82. CW1 called VOMPD and Louise came outside and yelled at Jason and CW1, saying this was their fault and “they would pay.”

83. Due to this incident, CW1 obtained a temporary restraining order against Michael.

84. The Dunaways threaten to, and sometimes do, call the Building Department. On several occasions, the former Building Inspector, who is Hispanic, came to inspect CW1’s home in response to several false reports filed by the Dunaways. On one occasion, Douglas saw the former Building Inspector and CW1 speaking outside, and Douglas said:

“Of course. YOU PEOPLE all speak the same fucking language and stick together.”

85. Throughout the Summer of 2018, the Dunaways stalked the DeLeons each time they and CW1/CW2, and sometimes CW3/CW4, gathered together for barbeques, which was nearly every weekend – at least 10 times. Every time, each of the Dunaways mumbled various racial epithets when they walked by, including **“nigger spic”** and **“stupid spic.”**

86. Since the Summer of 2018, the frequency and severity of the Dunaways' racist and derogatory remarks, stalking and filming the DeLeons and their toddler, and other behavior, has increased and become unbearable.

87. In September 2018, the Dunaways called VOMPD numerous times when the DeLeons were walking to CW1/CW2's home, falsely calling them trespassers and claiming that the lot in front of CW1's house "was inappropriate access."

88. In September 2018, the Dunaways had an attorney send the DeLeons a frivolous, threatening cease-and-desist letter, demanding that Jason refrain from: parking at CW1's house, despite the fact that Jason had CW1's permission; visiting with CW1; and, receiving deliveries and guests and walking on Staub Court. In the letter, the attorney threatened to sue the DeLeons for damages to the driveway from merely walking on it.

89. From October 2018 to March 2019, the Dunaways constantly filmed the DeLeons and gave them the middle finger. They also put trash around the DeLeons' property.

90. On April 6, 2019, Michael was attempting to film Ana and her daughter. Ana did not confront Michael. Terrified, she covered her daughter and ran into the house.

91. Incidents like this one, in which Michael attempted to film Ana and her daughter, have occurred on at least a weekly, if not daily, basis since then.

92. Ana and Jason are worried about what Michael does with the videos he takes of their young daughter. The situation is very disturbing and distressing for the DeLeons.

93. In April 2019, Michael whistled and made inappropriate gestures when Ana and her toddler walked past him, such as kissing sounds, "you look fat" gestures with his hands, and spitting as close to them as possible and looking at them while doing it.

94. Incidents like this one, in which Michael whistles and makes inappropriate gestures when Ana and her daughter walk past him, occur on a weekly basis.

95. Since 2019, Michael regularly (almost daily) kicks, rips and destroys anything outside the DeLeons' home, including garbage and recycling left outside for sanitation, spits his gum onto the DeLeons' property, and litters on their front door.

96. Another common occurrence on Staub Court is that, every night for the last four years between the hours of 9:30 p.m. and midnight, Michael sets off a loud alarm from the Dunaways' car, which often awakes Ana and Jason's young daughter.

97. The Dunaways also constantly play a loud chirping noise to disturb the DeLeons.

98. In May 2019, the Dunaways called VOMPD to report Jason for using a leaf blower (for a couple of minutes) to blow grass shavings after he mowed the lawn. Within 10 minutes of Jason using the leaf blower, VOMPD arrived and fined Jason.

99. During that time, another neighbor, who is Italian (like Louise), did the same thing, but the Dunaways did not report him.

100. On June 20, 2019, Michael flashed an irritating light directly into the DeLeons' windows and at their faces. This, too, is a regular occurrence that takes place at least weekly.

101. In July 2019, as Ana's elderly mother was walking to the front door, Michael charged at her, yelling "get off my fucking driveway." Jason brought her inside to safety.

102. On July 2, 2019, a (useless) Order of Protection against Michael was revised to require Michael to stay a certain distance from Jason and prohibit Michael from taking photos or videos of the DeLeons. He never abided by it.

103. From October 2019 to February 2020, the Dunaways' bad behavior towards the DeLeons, including racial epithets, spitting at them and filming them, continued daily.

104. Since March 2020, when the COVID-19 pandemic began, Michael spits on the DeLeons' property every time he walks by, including when their young daughter is outside. This happens every day, multiple times a day, and is extremely degrading and distressing.

In April 2020, the Gehrings Purchase 5 Staub Court

105. On April 15, 2020, the Gehrings closed on the purchase of a two-family home at 5 Staub Court. During the process, Walt met the tenants: CW6, who lived in the upstairs unit that the Gehrings planned to renovate and occupy; and, CW7 and his wife, CW8, and their family, who are Hispanic and lived in the downstairs unit.

106. The Gehrings planned to renovate in September 2020 after CW6 would vacate.

107. In the Spring of 2020, after purchasing the property, Walt was walking up Staub Court and met the Dunaways, who were sitting outside on folding chairs. At that point, the Dunaways had never met or seen Ariela – just Walt.

108. Louise approached Walt cordially and introduced him to Douglas and Michael. During their conversation, the Dunaways were pleasant to Walt and welcoming. Douglas said the following to Walt, referring to CW7/CW8, who are Hispanic:

**“You know, I hope you’ll get some better tenants.
This country has a big problem with immigrants who don’t belong here.
We pay our taxes. We don’t need them coming here to live for free.”**

109. On June 2, 2020, Michael was caught stalking and filming CW1's house. Moments later, Michael attacked CW1's Cuban girlfriend, CW9.

110. The following day, Michael repeated the same behavior, and then-VOMPD Chief Leahy came to the scene and spent approximately 1.5 hours on Staub Court. Douglas was outside in Chief Leahy's face and yelling at him.

111. Ana had her window open and was listening and Jason was in the backyard by the police, and they heard Chief Leahy say to Douglas: “Doug, I have done a lot for your family over the years ... and I mean A LOT.”

June 2020: The Dunaways Meet and See Ariela for the First Time

112. Later in the month of June 2020, Walt and Ariela came to Staub Court to see their new property and meet with their tenants. As they walked up Staub Court, they saw Louise.

113. Walt introduced Ariela to Louise for the first time. He told Louise that Ariela is originally from Peru. Louise grimaced, folded her arms, and stepped away.

114. After that day, the Dunaways’ conspiracy to drive the Gehrings out of Staub Court, and their harassment and intimidation and racial and discriminatory animus towards them, began, while their conspiracy to drive the DeLeons out of Staub Court, and their harassment and intimidation and racial and discriminatory animus towards the DeLeons, continued.

115. On June 26, 2020, Michael paced the back end of his property that borders the DeLeons’ property and filmed Ana’s daughter while she was outside with her.

116. On June 27, 2020, in the early evening, as CW1 was headed home and Ana was on her balcony with her daughter, she saw a neon green laser emanating from the Dunaways’ home and running across CW1’s driver’s side window. CW1 was startled and slammed on the brakes.

117. To this day, the Dunaways do this to Plaintiffs on a regular basis.

118. Also that night, when the DeLeons were outside, Michael called Ana a “fucking whore” and “stupid bitch,” which scared Ana’s mother and daughter and forced them to go inside.

119. Michael also threw his dog’s feces onto the DeLeons’ property.

120. On July 3, 2020, Jason received a criminal summons to appear in Village Court because Louise falsely accused him of “getting in her face and threatening her life.”

121. Jason provided his attorney with the video surveillance of him walking past Louise, which shows that it was Louise who was trying to walk into Jason (and he moved out of her way). Jason was given an ACD (Adjournment in Contemplation of Dismissal). This caused the DeLeons to endure a tremendous amount of stress to the point that they couldn't sleep, which they continue to endure to this day because of the Dunaways.

122. On July 8, 2020, a few days after Louise made this false accusation to VOMPD in which she claimed she was in fear of Jason, she tried to walk as close to him as she could. Jason was on his knees at the end of his property planting a privacy bush. Michael was with Louise at the time and as he walked past Jason, he spit on the ground next to him.

123. On July 15, 2020, Michael was outside the DeLeons' home filming their house.

124. He also, as he often does, let his dogs off leash to roam free. This is gravely concerning to Ana and Jason as parents of a young child to have aggressive dogs around that bite.

125. On July 16, 2020, in the morning and evening, Michael was outside the DeLeons' home pointing his phone camera at their home.

126. On July 19, 2020, Jason was outside the house doing lawn maintenance as he was being watched and filmed by Douglas and Michael, who were sitting with Louise.

127. On July 22, 2020, CW10 came to the Gehrings' property to patch and reseal their roof. While he was on the roof, Michael moved the ladder away, making it impossible for CW10 to safely get down. He had to call someone to put the ladder back so he could do so.

128. On July 26, 27, and 29 and August 1 and 5 of 2020, Michael pointed his phone camera at the DeLeons' home and watched, recorded and photographed the DeLeons and their daughter to intimidate, harass and annoy them.

129. In July and August 2020, CW3 had to call VOMPD because the Dunaways kept an incorrectly delivered package belonging to him. When questioned by police, the Dunaways denied having the package. Later in the day, VOMPD arrived to retrieve it from the Dunaways because CW3 had video proof they had it. Louise denied it again, but when CW3 said “I have a video of you taking it,” Louise started yelling “KEEP HIM OFF MY PROPERTY” then and threw the package at the police officer without a care or a worry.

130. Also during that time, one morning, the Dunaways called VOMPD on CW1 to complain that his music was too loud in his garage.

131. The Dunaways also called VOMPD on Jason because there was a puddle of water on their driveway from when Jason watered the grass and evergreens.

132. On August 5, 2020, when Jason used the leaf blower to clean the rubble from Hurricane Isaias, Michael came outside and went to the DeLeons’ home to follow and video Jason. At the time, Jason had finished cleaning their property and was helping to clean Ward Avenue so no one would slip or trip on the leaves on the sidewalk.

133. On August 27, 2020, Ana and Jason’s daughter’s birthday, the Dunaways set off their alarm nonstop from 9:00 a.m. to 9:00 p.m., preventing the DeLeons from enjoying the day with their daughter and family in peace and tranquility.

134. On September 7, 2020, CW6 vacated the second floor. Immediately thereafter, the Gehrings began demolition and renovations on their house.

135. From September to December 2020, the Dunaways went to great lengths to harass the Gehrings during their renovations. The Dunaways constantly blocked the contractor, his project supervisor, electrician, and other workers from entering and leaving Staub Court by blocking them with their vehicles, and intruded and trespassed onto the Gehrings’ property.

136. On September 17, 2020, CW1 stopped at the DeLeons for a minute to say hello to Jason and as he left the property, he was immediately stalked by Louise. As he began to leave, he was cut off by Douglas, who entered the property in his car. Douglas then exited his car and yelled at CW1 that the driveway was “ingress and egress only.” Louise screamed at CW1 to “MOVE THE CAR OFF THE PROPERTY.”

137. On September 24, 2020, Walt contacted “Thomas” of the Hispanic Assembly of God Church in Port Chester, who is Hispanic (from Argentina), to pick up old appliances the Gehrings were donating to the church. On September 25, 2020, at 11:45 p.m., Thomas came to pick up the appliances, but the Dunaways blocked him from entering.

138. The Dunaways also harassed several Hispanics who were working on the renovation project. They called them “**wetbacks**” and told them to “**go back to your country.**”

139. The Hispanic workers quit the project because they could not take the harassment, which delayed the project and cost the Gehrings an additional \$10,000.

140. Throughout the project, the Dunaways came onto the Gehrings’ property to take photos and measurements.

141. Each day, CW10 and his colleague would go for lunch during their break and were always stalked and videotaped by the Dunaways.

142. And at the beginning of each work day, CW10 and his colleague found nails and screws thrown onto the Gehrings’ driveway that were not the same kind they were using. As a result, they had to spend time almost every morning picking up the debris before working.

143. Throughout the project (and to this day), the Dunaways follow and film the Gehrings and their visitors – family, friends and contractors – on Staub Court.

144. Since October 2020, the Gehrings have suffered, among other things, constant sleeplessness, nightmares, and anxiety due to the Dunaways' daily harassment and abuse.

145. The Dunaways throw trash and dump and sweep garbage and debris onto the driveway on a daily basis, knowing the storm drain will clog and cause a flood. For example:



146. The garbage and debris clog the storm drain such that, when it rains, it causes a large accumulation of water. During storms, it floods the driveway, sometimes up to ten inches, which makes ingress and egress for the Gehrings difficult to the point that children have to be carried and the Gehrings have to remove their shoes, roll up their pants up and walk through water.

147. Here is one of countless examples (from June 9, 2022) of Ariela walking through the flood caused by the Dunaways intentionally clogging the storm drain:



148. The Dunaways are not affected by the flooding in any way whatsoever because the entry to their house is further down Staub Court (by the cars shown in the photo above which is dry and not flooded).

149. On October 5, 2020, the Gehrings contacted the Village of Mamaroneck Building Department about building a fence. Shortly afterwards, Douglas stopped Walt on the street and said, with a smile: “I heard you want to build a fence. You’re not building a fence. I have connections with the Village and they will never approve it.”

150. On October 24, 2020, at approximately 9:18 a.m., Louise passed Ariela’s brother, CW11, who is Hispanic, while he was walking on Staub Court and said:

“Damn foreigners. You don’t belong here.”

151. The Dunaways regularly set off their car alarms while Plaintiffs and their families walk up and down Staub Court and even late at night. On other occasions, Michael’s SUV is parked in front of Staub Court with the radio turned up full blast.

152. In addition, on a regular (at least weekly, if not daily) basis, the Dunaways allow their dog to stay outside and bark at all hours of the day and night.

153. On Sundays in the morning, or after church, when the Gehrings' Hispanic tenants are having family gatherings on the back porch, the Dunaways let their dog come up to the patio and bark continuously until the family gathering ends or the police are called.

154. Michael regularly (most days, but at least weekly) props his boom box and plays loud music from his back yard or his rear window late at night or Saturday or Sunday mornings.

155. Douglas and Michael often stalk in the back of the Gehrings' property (in the municipal parking lot on Spencer Place and Ward Avenue) observing and taking pictures of the Gehrings' tenants' Hispanic children, who are very frightened by the Dunaways.

156. The Dunaways' constant harassment and abuse has caused the Gehrings, their tenants and family members, including children, to suffer fear. The children are frightened to come home when their parents are not there, and they are scared to walk past the Dunaways' house.

157. On November 11, 2020, the Gehrings wrote to the Village of Mamaroneck asking for assistance with the Dunaways, but to no avail.

158. On November 18, 2020, the Gehrings' new kitchen cabinets had to be manually hauled all the way up Staub Court because the Dunaways would not allow the truck to deliver them to the Gehrings' front door. This took over an hour and hard manual labor.

December 2020: The Dunaways Succeed in Driving a Hispanic Family Out of Staub Court and Their Conspiracy to Drive Plaintiffs and Other Hispanics Out Continues

159. In December 2020, the Gehrings' tenant, CW7, gave notice that he and his family, who are from Guatemala, were vacating because they felt threatened by the Dunaways and could no longer take their harassment.

160. CW7 said the Dunaways' intimidation and racial and discriminatory animus was too much for them to handle and they felt in fear for their lives because of the Dunaways.

161. For example, before Ariela and Walt purchased the property, Michael threatened CW7. He said Douglas has a gun and he is going to use it.

162. And on several occasions, the Dunaways called them **“wetbacks” and “spics.”**

163. On December 16, 2020, the Gehrings were having new appliances (washer/dryer, refrigerator, chimney vent and oven range) delivered, but the Dunaways blocked access to Staub Court, so each item had to be manually dollied up Staub Court, which took over an hour.

164. On December 28, 2020 at 5:58 p.m, just before Walt’s birthday, as the Gehrings were struggling to finish the renovations and move in, Michael accosted Walt, spit on him and pushed him after Walt kindly asked him to stop throwing garbage onto their driveway. Michael told Walt that he was going to come onto the Gehrings’ property “every day and night, forever.”

165. Then Louise came over, shoved Walt, and said: “Just go away, get out of here!”

166. On January 3, 2021, at 7:30 pm, Michael saw Ariela outside on Staub Court when she was walking to her house to check on the work they were doing and prepare for a birthday party she was planning for Walt a few days later. Michael yelled:

“Fuck you, wetback! Go back to your shithole country!”

167. On January 5, 2021, the Gehrings had a party for Walt’s 65th birthday in their home. Ariela’s brother, CW11, was driving up Staub Court. Douglas came out and said to CW11:

“What’s wrong with you foreigners? You come into this country and think you can do what you like? Go back to Mexico where you belong.”

168. Later that evening, at 8:39 p.m., Ana, Jason, and their daughter left the Gehrings’ party. It was dark outside. Michael was lurking, and when the DeLeons walked past him, he stalked them and call them names, including “fucking assholes.” He then flashed a bright light at them as he followed and videotaped them, which scared the DeLeons and their daughter.

169. On January 7, 2021, at 7:54 p.m., Jason was outside on the DeLeons' terrace removing Christmas lights. Michael was walking down Staub Court and stopped to loiter in front of the DeLeons' home and videotape Jason. Later, at 9:13 p.m., Jason went outside, and Michael was waiting for him, phone in hand, flash on, pointing at their home.

170. On January 11, 2021, Jason's ACD from the July 3, 2020 incident was set to expire. Ana informed VOMPD about this and that they should expect Louise to lodge another false allegation about Jason to keep the (false) charge active and hanging over his head.

171. Ana was right. That day, Jason went outside to move Ana's mother's car from the garage so she could leave. Jason didn't know that Louise was already outside and once he saw her, he walked completely around her. When he left the house, he realized that he didn't have the car key, so he texted Ana to ask where it was. While Jason was outside waiting, he saw a friend who was walking past the house and remained outside until Ana brought him the key. In the meantime, Louise was pacing back and forth and stalking Jason.

172. Louise then called VOMPD and falsely reported that she went outside to walk her dog and was approached and harassed by Jason. VOMPD filed the report and charges without even asking the DeLeons any questions and knowing that Louise lied the first time. The DeLeons' surveillance footage proved that, once again, Louise was lying.

173. On January 12, 2021, at 9:50 p.m., Ana was closing her bedroom shades when she saw Michael pointing his camera at their home. At 9:59 p.m., Ana went downstairs to the coat closet (which is street level) to put something away. She then saw a light flashing into their home and when she looked outside, she saw Douglas and Michael standing in front of their home.

174. Douglas watched for several minutes while Michael flashed his camera light at Ana.

175. On January 14, 2021, Ana was leaving her house with her daughter and Michael was walking by. Michael stood by watching and waiting, so Ana went back inside for 25 minutes to wait until Michael left. Michael stood at the end of the driveway with his phone in his hand waiting for them to leave. The DeLeons' daughter kept asking Ana why they could not go outside and had to wait, and Ana had to think of something else to say because she does not want her daughter to be scared and feel unsafe in her own home, which is a daily struggle. Eventually, Ana used their emergency exit access, which is very inconvenient, especially with a toddler, to leave.

176. On January 14, 2021, the Gehrings were having a new bed and mattress delivered, but the Dunaways blocked access to Staub Court, so the bed had to be manually dollied up Staub Court, which took well over an hour and strenuous labor.

**Ariela and Walt Move Into Their New Home and are
Greeted With Racism, Harassment, and False Complaints to VOMPD**

177. On January 31, 2021, Ariela and Walt were in the process of moving into their new home. Michael saw them, came outside, gave Ariela the middle finger, and yelled:

“You wetback! Go home to your shithole country!”

178. On February 3, 2021, a couple of days after moving into their new home, Douglas came onto the Gehrings' property and accosted Walt, and Walt politely asked him to leave the property and leave their family alone.

179. Immediately after, Douglas called VOMPD and filed a false complaint against Walt, alleging harassment and false arrest. Despite having no evidence and after admitting to CW1 that the video they received from the Dunaways could not sustain a valid charge, VOMPD filed charges against Walt and issued an Order of Protection against him to stay away from Douglas from March 5, 2021 to March 4, 2022, under the threat of a felony if Walt violated the OOP.

180. The charges against Walt were subsequently dismissed and the OOP was subsequently vacated. [*See infra* at ¶ 198].

181. Also, on that day, the Gehrings started to unpack and stacked boxes next to their home for sanitation. That evening, at 9:30 p.m., while the Gehrings were in bed, Michael pushed their boxes down on the sidewalk, which made a loud disturbance, and kicked snow back onto the sidewalk next to their house and parking space.

182. On February 5, 2021, at 7:45 p.m., Michael went onto the Gehrings' property and shoved Walt and spit in his face, causing Walt to sustain injuries which were treated at a hospital.

183. On February 5, 2021, Michael was arraigned for the December 28, 2020 incident against Walt [*see supra* at ¶ 164], and an Order of Protection was issued ordering Michael to stay away from Walt, 35 feet away from the Gehring home, and not harass or stalk Walt or contact Walt by mail or phone. The (useless) OOP was in effect until approximately December 28, 2021.

184. On February 25, 2021, Walt was home recovering from surgery, and his work colleagues sent him a "Get Well" gift from Edible Arrangements, but the Dunaways blocked access to Staub Court for the delivery, so Walt had to walk down Staub Court in his bathrobe, slippers, and arm cast to pick up his "Get Well" delivery.

185. Later that day, Ariela's birthday, Ariela came home from work, was walking up Staub Court, and was harassed by Michael, who yelled:

**"Hey, tell that piece of shit husband of yours he can't walk around in his bathrobe!
Maybe they do that in your country, but not here!"**

186. On February 27, 2021, a Saturday afternoon, Ariela was having her birthday party at home at 6:00 p.m., and friends and family came to celebrate. One of her best friends, CW12, who is Hispanic, was coming from Port Chester, and as CW12 walked up Staub Court, she was followed by Michael, who was stalking her, videotaping her and scaring her.

187. That same evening, Ariela's brother CW11, came to the party and was harassed by Louise. As CW11 walked up Staub Court, Louise yelled:

“You almost hit me with your car! Can't YOU PEOPLE drive?!”

188. Also, during the party, Michael continuously played his boom box very loudly and flashed a laser light in the Gehrings' living room window.

189. The Dunaways also threw glass over the fence that borders the Dunaways' property and Gehrings' sidewalk, leading back to the first-floor residence. The glass shattered, missing the Gehrings' Guatemalan tenant, CW14, his cousin, and little children, all of whom are Hispanic.

190. On March 13, 2021, at Noon, Ana left to pick up her daughter and passed Michael as he was returning to Staub Court. As she passed him, he called her a **“spic whore.”**

191. Michael then took out his phone and pointed it at her. Ana walked faster to safely reach and get into her car. Ana then saw Louise talking to Michael and then Louise quickly came down the driveway and stood at the edge watching as Ana drove away.

192. On March 17, 2021, at 4:35 p.m., Louise went onto the Gehrings' property and tampered with their personal property.

193. On March 20, 2021, at 10:32 p.m., Jason was returning home. Ana was in their daughter's room (which faces Ward Avenue) when she heard Michael yelling. Ana knew Jason was coming home and looked outside. Ana saw Michael in front of their house by their garage (which faces Ward Avenue), and as Jason pulled up, Michael was stalking and harassing him.

194. Michael looked up and saw Ana watching and pointed his phone at Ana's daughter's bedroom. Jason then got out of his car to open the garage, and Douglas passed him. Jason went to move the other car and realized he didn't have the keys. He went inside to get them and Douglas and Michael waited for him in front of his car. They never moved or walked away.

195. On March 21, 2021, at 6:38 p.m., Ana returned home from food shopping with her mother and daughter. As she drove up, Michael was on the corner with his dog. Ana pulled in front of her garage to unload her groceries and let her mother and daughter out, but saw Michael videoing her. Ana instructed her mother to stay in the car with her daughter. As Ana began to unload the groceries, Michael approached her car. Ana finished unloading, but Michael did not leave and continued to videotape her. Ana drove around the block and waited in a parking space until Michael left so she could return and safely remove her daughter from the car.

196. But as Ana's surveillance camera showed, with Louise watching, Michael was hiding in front of the DeLeons' home waiting for them to return.

197. On March 22, 2021, at 8:00 p.m., Michael banged the garbage lids on the side of his house, making a loud disturbance.

198. On April 8, 2021, Walt was given an Adjournment in Contemplation of Dismissal (ACD) in connection with Douglas' false complaint. [*See supra* at ¶ 180].

199. On April 20, 2021, Jason was out on the deck playing with the DeLeons' daughter. Michael came over and pointed his phone up at the deck. Jason asked him nicely to stop filming their daughter and, in front of their daughter, Michael yelled:

“Fuck you, you stupid spic! Go fuck yourself! Don't tell me what to do!”

200. The DeLeons called VOMPD. They watched Lieutenant Falcone and Officer Bonacci arrive, exchange pleasantries with the Dunaways, and hug Louise, which further intimidated the DeLeons and made them feel helpless.

201. After this incident, Ana and Jason's daughter told her daycare teachers that “a bad man is following me and videoing me,” and often times, she tells Ana that, because of the Dunaways, she is scared to leave or come home.

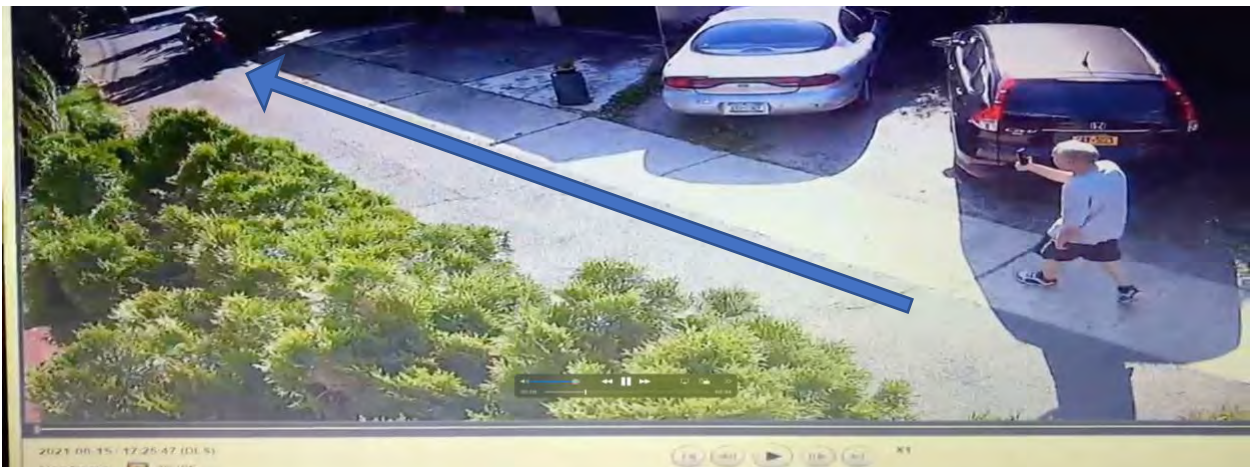
202. On May 9, 2021, Mother's Day, Ana was walking on Staub Court and Michael stared at her, spit near her, and looked at her in disgust. As Ana walked out of her home again, she saw Michael spitting in front of the DeLeons' home. That day, Michael yelled at Jason:

"I will fuck you up, you stupid spic!"

203. There have been countless incidents where Michael is stalking and spitting in front of the DeLeons' home by their "Hate Has No Home Here" flag.

204. For example, on May 10, 12, 13, 14, 15, 17, 18, 20, 21, 23, 25, and 26, 2021, Michael spit on the DeLeons' property right in front of them. He does this daily.

205. On May 15, 2021 at 5:15 p.m., Michael stalked, followed, taunted, and videoed Walt all the way up Staub Court as he walked home after work:





206. Stalking incidents like these, in which Michael follows and films the Gehrings all the way up Staub Court (when they are going home) or down Staub Court (when they are leaving), happen on a daily basis.

207. On May 16, 2021, at 12:16 p.m., Louise kicked garbage on the Gehrings' property.

208. On May 17, 2021, at 7:22 p.m., Douglas and Louise came onto the Gehrings' property and took photographs.

209. On May 18, 2021, in the afternoon, Louise came onto the Gehrings' property twice while Ariela and CW14 were planting a statute of St. Joseph and flowers around it and muttered **"damn wetbacks"** as she walked by. After the second time, Louise pulled a milk can across the property and gave Ariela and CW14 an evil look.

210. On May 26, 2021, at 9:55 p.m., Walt went downstairs after hearing noise and saw Michael throwing stones at Walt's car. As Walt approached, Michael threw stones at Walt and hit him, causing injuries for which he was treated by an orthopedist.

211. Michael constantly throws stones and debris at Walt's car, so Walt started covering the car on a daily basis. Because the process of uncovering and covering the car is time-consuming and unduly burdensome, Walt rarely drives anymore.

212. On June 1, 2021, at 4:50 p.m., Michael set off his car alarm with a remote control when Walt and CW1 were outside talking.

213. On June 1, 2021, at 6:35 p.m., Michael flashed his laser light from the Dunaways' home into Ariela's eyes as she and Walt sat on their front porch and tried to relax.

214. On June 3, 2021, Douglas and Michael threw dog feces on the DeLeons' property.

215. On June 3 and 9, 2021, Michael spit on the DeLeons' property.

216. On June 3, 2021, Douglas pushed garbage and debris onto the Gehrigs' property.

217. On June 4, 2021, at 9:03 p.m., Michael came outside and beeped his car horn while Ariela and Walt were outside.

218. On June 12, 2021, Michael spit his gum on the DeLeons' property.

219. On June 12, 2021, at 5:00 p.m., Douglas stalked Ariela and her son, who is Hispanic, and muttered "**damn foreigners**" as they passed him on Staub Court.

220. In July 2021, Douglas told Ana and Jason:

"You don't belong here."

221. On July 7, 2021, at 9:00 p.m., Michael threw rocks and debris over the Dunaways' fence that struck Walt in the head, causing physical injuries and pain in his eye, shoulder, head and face that required medical treatment.

222. On July 28, 2021, Jason left for work at 7:00 a.m. and came home at 9:22 p.m. Michael was outside walking the Dunaways' dogs and spitting as he passed the DeLeons' home.

223. When Michael was walking up Ward Avenue, he saw Jason parking and then walked up Staub Court and spit by their stairs.

224. As Jason was walking up Staub Court, Michael charged at Jason and screamed at him with Douglas and Louise watching:

“I will beat your ass motherfucker! You stupid fucking spic!”

225. Then, Ana came outside and asked what was going on, and Michael yelled, several times: “Fuck you! Suck my dick you fucking lesbian dyke! Fuck you bitch! Fuck you and your fucking bitch ass mother!”

226. From August through early September 2021, the DeLeons were away for the rest of the summer. But the Dunaways kept busy by intensifying their harassment and intimidation of Walt and Ariela and their Hispanic family and friends.

227. On August 14, 2021, Ariela’s brother, CW11, and his Hispanic girlfriend, CW13, came to the Gehrings’ house to celebrate CW11’s birthday, and were harassed by the Dunaways. Louise called CW11 a **“wetback”** and **“South American bastard.”**

228. That same day, while CW13 was walking down Staub Court, Louise said:

“Those foreigners keep coming and going. They should just stay away.”

229. On August 19, 2021, Louise came onto the Gehrings’ property while Hispanic children were playing and yelled at them to stop making noise.

September 2021: The Dunaways Succeed in Driving a Hispanic Family Out of Staub Court and Their Conspiracy to Drive Plaintiffs and CW1/CW2 Out Continues

230. On September 2, 2021, Walt’s adult daughter Krystal came to stay with the Gehrings temporarily because her house in Mamaroneck flooded and she had nowhere to live.

231. On September 8, 2021, at 5:29 p.m., Michael stalked Ariela and Walt.

232. On or about September 12, 2021, the Dunaways succeeded in forcing CW3/CW4 to move out. CW4 was sitting outside her home on Staub Court trying to relax and enjoy some sun when Michael walked by and yelled:

“White Supremacy! White Supremacy!”

233. Immediately after this incident, CW3/CW4 quickly moved out of Staub Court.

234. Upon information and belief, CW1 once saw a Confederate flag in a window of the Dunaways' house.

235. On September 15, 2021, at 6:58 p.m., the Dunaways stalked Walt's son David, who had come home on emergency military leave from the U.S. Army (in Ft. Carson, CO) to help his sister Krystal with her flooded home. Emergency military leaves are rarely granted.

236. On September 19, 2021, at 2:12 p.m., as the Dunaways do on a daily basis, Louise dumped and swept garbage and debris near the storm drain:



237. Later on, at 3:00 p.m., the Dunaways released their dog while the Gehrings were having a family barbecue. The dog barked incessantly for over an hour.

238. That evening, at 7:30 p.m., Ariela and Walt took Walt's daughter Krystal's dog for a walk. Michael called Ariela a "**South American bitch**" and threatened to kill the dog.

239. Ariela and young Hispanic children in the household regularly say that they are scared “all the time” by the Dunaways.

240. On September 21, 2021, at 5:30 p.m., Michael stalked Walt again as he was returning from work.

241. Later that evening, at 9:00 p.m., Michael stalked Ariela and Walt as they were leaving their home to take a walk.

242. On September 29, 2021, Krystal was walking her dog and Louise yelled at her:

“Keep that Mexican rat away from my house!”

243. On October 1, 2021, at 11:49 p.m., Douglas and Louise were snooping on the Gehrings’ property.

244. On October 2, 2021, at 4:29 p.m., Louise swept her leaves, garbage and debris onto the Gehrings’ property.

245. On October 4, 2021 at 7:00 a.m., while Walt was sitting on his porch having coffee and meditating, Michael came outside, saw Walt, and set off his car alarm.

246. Also on that day, the baseless charge against Walt [*see supra* at ¶ 180] was dismissed, the Order of Protection was vacated, and the threat of a felony ended after nearly six months, during which the Dunaways, harassed Walt and tried to entrap him into violating the OOP.

247. During this time, the Dunaways reported more false charges against Walt.

248. These false charges caused the Gehrings emotional pain and suffering.

249. On October 5, 2021, from 6:00-6:30 p.m., the Dunaways approached the Gehrings in a hostile and aggressive manner. As they were walking up Staub Court, Michael set off the Dunaways’ car alarm and Louise threw trash and refuse near their storm drain which overflows and backs up when clogged.

250. That same evening, Ana and Jason were relaxing and trying to enjoy watching the Yankees game in peace. Instead, Michael was spitting on their front steps, pushing the panic button on his car incessantly, and yelling “**stupid spic.**”

251. Also, that evening, at 8:57 p.m., Louise blocked Walt from leaving Staub Court:



252. On October 6, 2021, at 3:35 p.m., Louise pushed garbage, leaves and other debris near the storm drain in front of the Gehrings' property.

253. At 5:55 p.m., Michael blocked Ariela from leaving for several minutes:



254. Later that evening, at 9:55 p.m., the Dunaways set off their car alarm for several minutes as the Gehrings were sitting on their porch.

255. On October 8, 2021, Jason came home and Michael followed him, videotaped him, and spit at him in front of their front steps.

256. On October 10, 2021, at 1:18 p.m., while it was raining, Michael boasted with glee that “the storm drain’s overflowing!”

257. Later that evening, at 7:47 p.m., Michael stalked the Gehrings and set off his car alarm as the Gehrings walked by.

258. On October 11, 2021 at 12:25 p.m., Louise kicked garbage onto the Gehrings’ driveway.

259. On October 12, 2021, between 8:33-8:53 p.m., the Dunaways threw garbage and debris onto the Gehrings’ driveway where Walt’s car is parked as he was leaving to pick up Ariela. As Walt was leaving, they set off their car alarm.

260. On October 15, 2021, at 5:44 p.m., Michael videoed Walt as he walked home:



261. On October 17, 2021, Ana and Jason came home from taking their daughter to the park. As they pulled into Staub Court, Michael was in front of them and Louise was behind them. Ana and Jason waited in the car for Michael to move out of their way, but he wouldn’t. Instead, he took out his phone and started pointing it at and videotaping them, while Louise watched.

262. On November 2, 2021, at 5:18 p.m., Michael came to 5 and 6 Staub Court, squirted an oily, slippery substance onto the driveway, and threw and pushed leaves, garbage, broken glass, nails and other debris onto the driveway.

263. During the weekend of November 6 and 7, 2021, Michael blocked Walt's daughter Krystal for a couple of minutes as she was trying to leave Staub Court:



264. On November 9, 2021 at approximately 6:54 a.m., Douglas and Michael were outside. Michael was hitting the panic button on their Jeep Grand Cherokee for a few minutes, waking up Ana's daughter. Michael then stood in front of their home and spit a large spit ball on their property, knowing Ana was watching.

265. Also on that day, Louise kicked garbage onto the Gehrings' driveway.

266. On November 10, 2021, at 5:30 a.m., when Walt was leaving for work, he found more garbage dumped onto the Gehrings' property, including a rat trap stuck to the tire of his car.

267. During the weekend of November 13-14, 2021, Walt was out of town on a trip. Ariela and Krystal stayed away because they are scared to be on Staub Court when no one is home.

268. On November 15, 2021, at 5:15 p.m., Michael was waiting at the bottom of Staub Court. When Walt arrived, Michael followed him up all the way up, where there was a large pile of sticks, stones, leaves and debris scattered along the entrance to the Gehrings' home.

269. Later on, at 5:50 p.m., when Ariela and Walt were leaving, they heard a cracking noise under the wheels of the car as it was backing out. Upon returning, Walt noticed broken glass shards mixed in with the leaves, sticks and stones that Michael threw in the driveway.

270. On November 16, 2021, at 5:10 p.m., Michael stood at the bottom of Staub Court as Walt was walking home after work. With Douglas watching, Michael got very close to Walt and recorded him on his phone.

271. Krystal, who was displaced from her home on September 2, 2021 because of a flood [¶ 230], stayed with her father and stepmother for as long as possible, but the Dunaways harassed and threatened her and her dog to the point that she had to leave. Louise would constantly follow her and spit at her, Douglas gave her creepy looks, and Michael swore and yelled at her and threatened to harm her dog. Michael and Louise also blocked her from driving in and out of Staub Court.

272. Because of the Dunaways' persistent harassment, on November 19, 2021, Krystal left her father's house and moved in with a friend, who lives an hour away, because she could no longer handle the Dunaways' harassment. Krystal works double shifts at a hospital and, sometimes when she couldn't commute to her friend's house, she went to her house in Mamaroneck to sleep in the garage which, sadly, was a better option than staying with her family on Staub Court.

273. On December 24, 2021, between 6:45 and 7:19 p.m. (Christmas Eve), Michael threw garbage, including broken glass and rusty screws, onto the Gehrings' property.

274. On January 2, 2022, Ana returned home from running errands all day with her daughter. When she arrived, she looked in her rearview mirror and saw Douglas walking behind her car with his camera phone pointed straight at her. When she started to get out of the car, she saw him and realized she couldn't take her daughter out.

275. Ana quickly put her groceries on the steps and got back in the car to leave Staub Court, but Michael charged at her car and called her a “fucking bitch” in front of her daughter.

276. That night, Ana’s daughter said she had a night terror about someone “coming to get mommy.”

277. Since then, Michael, with Douglas and Louise’s knowledge and encouragement, has continued spitting saliva and gum on the DeLeons’ property, calling them names and racial epithets, letting the Dunaways’ dogs bark incessantly at all hours of the night, setting off the car alarm, blasting music, revving the car engines loudly and at all hours, and pacing up and down Staub Court looking for trouble.

278. On January 5, 2022, the Gehrings’ tenants, who are Hispanic, went to the Gehrings’ unit and their 13-year old daughter told them that Michael stalks her and shines his laser into the kitchen window when she is alone. Crying as she was saying this, she also said she is so frightened by the Dunaways that she often sleeps in her parents’ bedroom and can no longer play sports after school because she is terrified to walk up Staub Court at night, to the point that, instead of walking up Staub Court, she avoids it by scaling the 10-foot wall in the back of the property.

279. On January 13, 2022, in the evening, Michael threw rocks, nails, broken ceramic tiles, and other debris onto the Gehrings’ driveway.

280. During the week of January 17, 2022, the Dunaways continued to allow their dogs to bark loudly late at night and to hit the panic button and alarm on their cars.

281. On January 18, 2022, Ana was sitting in her living room reading and trying to enjoy a few moments of silence to clear and relax her mind. But suddenly, she heard Michael yelling “**fucking spic.**” She looked outside and saw Michael at their front steps looking up at her window and spitting on their property.

282. Michael walked away, and Ana went back to her reading, but moments later, she heard, “fucking whore,” and Michael was back in front of their property spitting again.

283. On January 24, 2022, the Dunaways allowed their dog to bark incessantly as the Gehrings came and went on Staub Court.

284. On January 27, 2022, Ana’s 70-year old mother called her and said that Michael was standing in front of their stairs spitting and pacing. She was scared and worried that Michael was going to walk up to the door or was waiting for Ana and Jason.

285. On February 2, 3 and 4, 2022, the Dunaways trashed the Gehrings’ property.

286. On February 5, 2022, the mailman told Walt that he was not willing to walk through flooding (caused by the Dunaways clogging the storm drain) to deliver the Gehrings’ mail.

287. Also on that day, Ariela cried to Walt. She told him that, because of the Dunaways’ harassment and abuse, she is very scared to come home, that she would leave Staub Court if she could afford to, and that she understands why Krystal stopped coming to visit.

288. On February 7, 2022, the Gehrings’ Hispanic tenant, CW14, told Walt that his daughter was scared and crying because Michael was throwing garbage and making a lot of noise.

289. On February 8, 2022, Michael dumped more garbage and debris onto the driveway.

290. Also, on that day, Michael spit at Walt as he was walking on Staub Court.

291. On February 10, 2022, the Dunaways allowed their dogs to bark incessantly and extremely loud and wake up the DeLeons at 11:00 p.m. The DeLeons called VOMPD.

292. The following evening, at 6:30 p.m., VOMPD returned to Staub Court. Lt. Falcone and another officer were outside speaking with Louise and Ariela was walking up Staub Court. Louise saw Ariela approaching and, as she passed, Louise hugged the officer and expressed her appreciation for VOMPD, which further intimidated Ariela and made her feel even more helpless.

293. On February 14, 2022, at 7:30 p.m. Michael shined a laser light into the Gehrings' window while they were trying to relax.

294. On February 20, 2022, Michael shined a laser light into the Gehrings' window directly at Ariela as she was talking on the phone.

295. On February 21, 2022, Ariela was outside cleaning the garbage and debris that Michael swept into the common driveway. Michael came outside, took her by surprise, kicked the garbage, and yelled: **"Go back to your shithole country!"**:



296. Michael kicked Ariela's broom several times very hard, and Ariela felt an immediate shock go up her arm and shoulder, which was painful and required physical therapy.

297. Because Ariela is under constant attack by the Dunaways, several times a week, she stays with other family members in Port Chester, where she owns and operates a small business that opens at 7:00 a.m., to take refuge and get proper sleep, and Walt stays on Staub Court.

298. On February 24, 2022, Ana and her daughter were walking to their home with 7 heavy bags of groceries. Michael saw them and yelled: "Fuck you, you dumb bitch cunt." Ana and Jason's daughter, who was scared, ran inside screaming: "The crazy is outside."

299. On February 27, 2022, VOMPD were dispatched to Staub Court. During a brief visit between Douglas and Michael and VOMPD, Michael, with his neighbors watching, gave the VOMPD police officer a hug:



March 2022: The Dunaways Succeed in Driving Another Hispanic Family Out of Staub Court and Their Conspiracy to Drive Plaintiffs Out Continues

300. On March 1, 2022, at 11:00 a.m., Michael put urine-soaked wipes and excrement on the Gehrings' driveway and kicked it near the storm drain:



301. On March 5, 2022, at 11:00 p.m., Michael dumped garbage near the storm drain:



302. On March 8, 2022, Michael put soiled sanitation wipes on the Gehrings' property.

303. On March 15, 2022, at 11:00 a.m., Michael kicked garbage onto the Gehrings' driveway (which happens on a daily basis).

304. On March 16, 2022, at 5:30 p.m., Michael threw dog feces onto the Gehrings' property.

305. Later that evening, at 6:43 p.m., Michael threw soiled sanitation wipes onto the Gehrings' driveway.

306. On March 18, 2022, Michael dumped and swept garbage onto the Gehrings' driveway.

307. On March 20, 2022, Michael dumped and swept garbage onto the Gehrings' driveway near the storm drain:



308. On March 22, 2022, Michael threw wipes and garbage onto the Gehrings' property.

309. On March 23, 2022, Ana was walking home with her daughter. Michael saw them and said: “You stupid bitch, you can’t walk on the driveway. It’s private property.” After hearing that, Ana’s daughter said: “Mommy, please hurry and get in the house. He might kill you.”

310. On March 24, 2022, Michael threw dog feces onto the Gehrings’ property. While Ariela was cleaning it up, Michael gleefully watched and filmed her.

311. On March 29, 2022, Ana and her daughter walked from her car on Valley Place to their home. From across the street on Ward Avenue, Ana saw Michael spit gum on their steps. Ana and her daughter then walked home as Ana saw Michael walk away. When she got there, she began to slide the gum that Michael spit on their steps to the side with her foot. But Michael saw this and came running towards her with his phone pointed straight at Ana and her daughter. Ana walked up to her door to unlock it and Michael stood at the foot of the stairs pointing his phone at them.

312. On March 30, 2022, Ana and Jason received a phone call from their daughter’s school because their daughter told her teacher about the incident the prior day. She told them that Michael was videoing her and it scared her.

313. On April 6, 2022, Michael screamed at Ana’s father and said: “I’m suing you, taking your house and all your money and putting you out on your ass.” He also yelled: “You’re a fucking cocksucker and a fucking whore just like your whole family.”

314. On April 6, 2022 at approximately 5:50 p.m., Ana arrived home from picking up her daughter. As she walked up Staub Court, Louise and Michael were outside at the corner of their home and where the DeLeon property begins. Jason and Ana’s father were in their backyard and Ana and Jason’s daughter asked to say hello to them. As they walked to the backyard, Michael pointed his phone at and videotaped them. Ana’s father walked over and asked Michael to leave.

315. Michael aggressively got in the face of Ana's elderly father, who is 71 and battling prostate cancer, and said that his wife (and Ana's mother) "is a whore" and that "you are all cocksuckers," "I'm going to have a pay day on your dime," and "I will own your house and put you all on your asses." Michael continued to insult them and charged at Ana's father.

316. Louise watched this entire incident.

317. On April 8, 2022, Michael stood in front of the DeLeons' home and spit gum on their property. He continues to do this every day, multiple times a day.

318. Louise continues to sweep and leave garbage in front of the DeLeons' stairs.

319. On April 8, 2022, VOMPD Detective Trujillo told Ana, as he has numerous times in the past, that the Dunaways go to the VOMPD station "almost daily" filling out reports to "try" to get the DeLeons into trouble for anything, even just walking on the driveway.

320. Upon information and belief, on or about April 14, 2022, the Dunaways contacted the Westchester County Department of Social Services and made serious allegations about Ana and Jason – each of which is completely false and defamatory – including that: (a) the DeLeons attend wild parties and are always out while their daughter is left home alone and neglected; (b) the DeLeons severely abuse drugs and alcohol; (c) Ana allows Jason to drive their daughter around while fully under the influence; (d) the DeLeons' daughter has been found several times alone and wondering outside; and (e) the DeLeons punish their daughter by "capital punishment."

321. Because of this, the DeLeons were subject to an investigation by DSS, which sent a social worker to their home to, among other things, interview them and their young daughter and to contact their daughter's school to request her records.

322. On April 28, 2022, Michael spit and threw garbage onto the Gehrings' property.

323. On May 2, 2022, Michael spit on the Gehrings' property four times.

324. Later that evening, at 10:30 p.m., Louise moved junk onto the Gehrings' property.

325. On May 11, 2022, at 8:00 p.m., Michael poured urine on the debris in the driveway:



326. On May 22, 2022, at 6:30 p.m., Michael placed his boom box next to the Gehrings' property, set it to very high volume, and then walked away for about an hour.

327. On May 23, 2022, in the evening, Michael was blasting sounds of a disturbing cartoon-like voice – “FUCK YOU, FUCK YOU, EAT SHIT, EAT SHIT, FUCK A CHICK, FUCK A CHICK, FUCK YOU, FUCK YOU ...” – that repeated over and over for about an hour that the Gehrings and their tenants, including young children, could hear.

328. On May 24, 2022, at 8:15 a.m., Michael videotaped Jason as he was doing lawn maintenance, as Louise watched.

329. On May 31, 2022, the DeLeons received an anonymous package containing two dead fish on hooks (bait):



330. It is commonly known that receiving dead fish is a threat that the recipient will “sleep with the fishes” if it doesn’t heed the warning.

331. On June 3, 2022, Michael came over and spit on the Gehrings’ property several times in a row, knowing the Gehrings’ saw him doing it.

332. On June 5, 2022, Michael intentionally damaged a privacy screen erected by the Gehrings’ tenant CW14, that he erected to keep the Dunaways from stalking him and his family.

333. On June 8, 2022 at 7:30 p.m., Michael said to Walt:

“Go back to your foreign wife. She married [you] for a green card.”

334. On June 12, 2022, the DeLeons had family come to visit (which is now a rare occasion because of Defendants) to attend their daughter’s dance recital. While they were there, Michael spit on the DeLeons’ property at least five times.

335. On June 13, 2022, at 7:50 p.m., after Michael swept debris and poured urine onto the driveway, Walt came outside. With Douglas watching, Michael admitted it was urine: **“That’s piss!”** Walt said: “Oh, it’s piss?” Michael responded: **“Yeah! And you touched it, like an idiot!”**:



336. On June 17, 2022, the Dunaways threw eggs into the DeLeons’ backyard.

337. On July 4, 2022, a Hispanic man came to Staub Court to help the DeLeons with lawn maintenance, as Jason can no longer do it himself because whenever he attempts to, the Dunaways bully and harass him while he is working.

338. Ana heard Michael yell at the man to “to get off my fuckin’ property!” Michael then grabbed a garden hose and started spraying the driveway so the landscaper couldn’t work. Ana came outside and told Michael to go back inside his house, and he responded by calling her a “fucking whore, “stupid cunt,” and “lesbian dyke.” Ana called Jason to come home because the landscaper wanted to leave. When Jason arrived, Michael said: “You need to control the cunt mouth on your stupid bitch whore wife and you need to make her show some fucking respect. You need to control that bitch.” After this, the landscaper left.

339. On July 5, 2022, Michael walked down Staub Court to the DeLeons’ house and poured a cup of urine in front of their front steps.

340. On July 8, 2022, Michael walked over to the DeLeons’ house, spit his gum out on the ground in front of the front steps, and smushed it into the ground with his foot.

341. Later that day, Michael poured a cup of urine in front of the DeLeons’ front steps.

342. To this day, the Dunaways continue to interfere with Plaintiffs’ livelihood and general enjoyment of their homes every single day.

FACTUAL ALLEGATIONS REGARDING INTIMIDATION AND HARASSMENT

343. Plaintiffs repeat and reallege each allegation above as if fully set forth herein.

344. The Dunaways’ goal, since the inception of their conspiracy, has been to harass, intimidate, and discriminate against Hispanics, including Plaintiffs, until they leave Staub Court.

345. The Dunaways, individually and in concert, have intimidated and harassed Plaintiffs and their families and Hispanic tenants and neighbors by committing the following acts on a daily basis:

- a. physically assaulting, shoving, and spitting saliva on or near, Plaintiffs (§§ 62, 80, 93, 95, 103, 104, 122, 164, 182, 202-204, 210, 215, 218, 221-224, 250, 255, 264, 277, 281, 282, 284, 290, 295-297, 311, 317, 322, 323, 331, 334, 340);
- b. stalking and videotaping Plaintiffs, their families, and friends (*passim*);
- c. trespassing on, and taking photos of, Plaintiffs and their properties (§§ 135, 140, 164, 178, 182, 192, 208, 209, 229);
- d. throwing feces, urine, and wipes onto Plaintiffs' properties (§§ 119, 214, 300, 302, 304, 305, 308, 310, 325, 335, 339, 341);
- e. putting apples on their steps, creating a dangerous condition (§§ 71, 73);
- f. blocking the driveway or Plaintiffs' front steps and preventing Plaintiffs and their families from entering or leaving (§§ 78, 79, 251, 253, 263, 271);
- g. blocking and interfering with deliveries for Plaintiffs from entering Staub Court (§§ 137, 163, 176, 184, 286);
- h. interfering with contractors working on Plaintiffs' properties (§§ 127, 135, 138, 139, 141, 142, 337-338);
- i. interfering with and disrupting Plaintiffs' social gatherings (§§ 85, 133, 153, 167, 186-188, 227, 237);
- j. spitting gum on Plaintiffs' properties and close to them (§§ 95, 218, 277, 311, 317, 340);
- k. throwing, kicking and dumping garbage and debris onto Plaintiffs' properties and front steps and close to the storm drain and kicking and destroying anything outside Plaintiffs' homes (§§ 95, 119, 142, 145-148, 164, 181, 189, 207, 210, 211, 214, 216, 236, 244, 249, 252, 258, 259, 262, 265, 266, 273, 279, 288, 289, 295, 300, 301, 303, 306-308, 318, 322, 336);

l. setting off a loud car alarm and beeping the car horn when Plaintiffs are walking by and at night (§§ 96, 133, 151, 212, 217, 245, 249, 254, 257, 259, 277, 280);

m. playing loud music and other disturbing sounds for a long time at night or on weekend mornings (§§ 97, 154, 188, 277, 326, 327);

n. flashing an irritating neon laser light directly into Plaintiffs' windows (§§ 100, 116, 117, 168, 173, 188, 213, 278, 293, 294);

o. letting their dog roam free, scare Plaintiffs, and bark day and night (§§ 124, 152, 277, 280, 283, 291); and,

p. use their dog to interfere with Plaintiffs' family and social gatherings (§§ 153, 237).

346. In addition, the Dunaways made it known that they own a gun and constantly threaten Plaintiffs with violence, saying: "I'm going to get my gun and kill your spic ass, and your wife and newborn child!"; and "I will beat your ass motherfucker!" (§§ 74, 75, 161, 224).

347. The Dunaways also leverage their close personal relationships with Village of Mamaroneck public officials – especially VOMPD – as another form of intimidation to make Plaintiffs feel helpless, unsafe, unwelcomed and uncomfortable in their neighborhood and homes, and force them to leave Staub Court (§§ 24, 81, 82, 84, 110, 111, 129, 149, 200, 292, 299).

348. The Dunaways' constant intimidation and harassment has instilled fear in Plaintiffs and their families, including young children, and friends, who seriously worry about their health, safety, and security, and cannot use and enjoy their homes.

349. Any time they pull into or out of, or walk up or down, Staub Court, Plaintiffs and their children have an emotional and stressful reaction.

350. Due to the Dunaways' daily stalking, harassment, and intimidation, Plaintiffs had to install cameras on their properties.

**FACTUAL ALLEGATIONS REGARDING
RACIAL AND DISCRIMINATORY ANIMUS AND PREJUDICE**

351. Plaintiffs repeat and reallege each allegation above as if fully set forth herein.

352. The Dunaways have subjected, and continue to subject, Plaintiffs and their families, friends, and tenants to a daily barrage of racial epithets and slurs, including:

- a. “Spic” (§§ 50, 51, 62, 71, 74, 76-79, 85, 162, 190, 199, 202, 224, 250, 281);
- b. “Fucking nigger spic” (§ 50);
- c. “Stupid spic” (§§ 62, 71, 78, 85, 199, 202, 250);
- d. “Fucking spic” (§§ 78, 79, 224, 281);
- e. “Bastard spic child” (§§ 76, 77);
- f. “Wetback” (§§ 138, 162, 166, 177, 209, 227);
- g. “Spic whore” (§ 190);
- h. “South American bastard” (§ 227);
- i. “South American bitch” (§ 238); and,
- j. “Damn foreigners” (§§ 150, 219).

353. The Dunaways have also expressed in clear and unmistakable terms that Hispanics, including Plaintiffs, do not belong, chanting “White Supremacy! White Supremacy!” outside the homes of Hispanic families on Staub Court (§ 232), and making several racist and anti-immigrant statements, including:

- a. “Go back to your fucking country!” (§§ 50, 138);
- b. “Damn foreigners. You don’t belong here.” (§ 150);
- c. “Fuck you, wetback! Go back to your shithole country!” (§ 166);
- d. “What’s wrong with you foreigners? You come into this country and think you can do what you like? Go back to Mexico where you belong.” (§ 167);

e. “Those foreigners keep coming and going. They should just stay away.” (¶ 228); and,

f. “You don’t belong here” (¶ 220).

354. In other comments, the Dunaways avoided using racist language and used coded racial epithets and phrases, but their discriminatory animus and hatred of Hispanics was clear:

a. “Where did you meet THIS guy? In the BRONX?” (¶ 61);

b. “You better watch yourself Ana. You brought this on yourself.” (¶ 65);

c. “Your parents couldn’t possibly approve of this.” (¶ 67); and,

d. “YOU PEOPLE all speak the same fucking language and stick together” (¶ 84).

355. With each of these statements, the Dunaways have made their *modus operandi* abundantly clear: keep Hispanics, including Plaintiffs and their families, friends, and tenants, out of Staub Court.

FACTUAL ALLEGATIONS REGARDING FALSE COMPLAINTS AND DEFAMATORY STATEMENTS ABOUT PLAINTIFFS

356. Plaintiffs repeat and reallege each allegation above as if fully set forth herein.

357. As part of their campaign of intimidation and harassment towards Hispanics on Staub Court, the Dunaways have made an incalculable number of knowingly false statements and accusations to VOMPD and other governmental entities about Plaintiffs and their Hispanic neighbors, which trigger unnecessary investigations and inspections (¶¶ 54-56, 64, 87, 98-99, 120, 130, 131, 170-172, 179, 319).

358. Based on false accusations, the Dunaways have obtained frivolous Orders of Protection against Plaintiffs and their Hispanic neighbors directing them to stay away from the Dunaways under the threat of a felony if they violate the OOP, which is stressful in and of itself, but even more stressful because of the Dunaways’ close relationship with VOMPD (¶¶ 52, 179).

359. Plaintiffs and their Hispanic neighbors, with the assistance of attorneys, responded with proof that they did not commit any violations of law and the charges brought by the Dunaways against Plaintiffs and their Hispanic neighbors were invariably dismissed because they are always unsubstantiated, completely fabricated, and without any factual basis (§§ 121, 172, 180, 246).

360. Nevertheless, the Dunaways remain steadfast and persist in making the same false complaints, and threaten to file baseless lawsuits (§§ 88, 315), to drive Plaintiffs out of Staub Court.

361. The Dunaways make these false statements, allegations and accusations about Plaintiffs maliciously and to harass, intimidate and frighten Plaintiffs and their families, including their children, so they will leave the neighborhood.

362. Plaintiffs have had to spend time and money to fight these knowingly false allegations, which has caused them to suffer additional stress and anxiety.

**THE IMPACT OF DEFENDANTS' DAILY, LONG-TERM
DISCRIMINATORY CONDUCT ON PLAINTIFFS AND THEIR FAMILIES**

363. As a result of the Dunaways' daily, long-term discriminatory conduct, Plaintiffs have suffered significant life-altering changes in their daily routines and lives and their familial and social interactions and relationships.

364. When Plaintiffs wake up in the morning, they're immediately on edge in anticipation of simply stepping outside of their homes to do normal things like go to work, mow the lawn, or play with their kids. And when they do, they make a beeline for their cars or, if they're outside, they always look over their shoulders. As they do, their hearts pound out of fear that the Dunaways will be there to harass and threaten them and their families. When Plaintiffs finally leave Staub Court, they exhale, but the relief is only temporary, because they repeat that experience in the reverse order from the moment they head back to Staub Court until they enter their homes, but even after they do, the Dunaways continue to harass them in the various ways alleged above.

365. Because of the Dunaways' constant harassment, Plaintiffs can no longer do the following, among other things:

- a. step outside their homes without first checking to see if "the coast is clear" and without fear if the Dunaways are outside;
- b. have family and friends over to visit, as family and friends who have experienced the Dunaways will not come over anymore;
- c. use their backyards and porches for any reason, including hosting gatherings, barbecuing for themselves, and letting their children play;
- d. allow their young children to play outside (and, instead, they are forced to always take them to a park away from Staub Court);
- e. plant flowers, maintain and improve their property (and, instead, they are forced to pay vendors because they are afraid of being harassed for doing the work themselves);
- f. clean around the property because, if they do, they are videoed, or, right after they finish cleaning, the Dunaways sweep or pile more dirt around the property;
- g. pull up to their front door to unload groceries;
- h. visit or spend time with any of their other friends and neighbors on Staub Court;
- i. exit their cars when they arrive home without looking to see if the Dunaways are nearby (and, if the Dunaways are nearby, they will wait for them to leave before exiting);
- j. change providers, like for cable television and Internet service, because the Dunaways will stalk and harass the representatives who come to install; and,
- k. order new furniture and even takeout food because the Dunaways will block delivery people from entering Staub Court;

366. Finally, the Dunaways, by the acts alleged, have caused each of the plaintiffs to suffer from many of the following:

- a. social isolation, because friends and family are reluctant to visit them at home;
- b. stress individually and in their relationships;
- c. fear and anxiety;
- d. depression;
- e. crying spells;
- f. sleeplessness and nightmares;
- g. feeling like a prisoner in their own home;
- h. distraction from work and business; and,
- i. lack of focus and motivation.

FIRST CAUSE OF ACTION
(Violation of 42 U.S.C. § 1982 – Property Rights of Citizens)
(Against All Defendants)

367. Plaintiffs repeat and reallege each allegation above as if fully set forth herein.

368. Section 1982 provides that “[a]ll citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.”

369. An individual subjected to a campaign of harassment and intimidation based on their race does not truly enjoy the freedom to hold property, a right protected by Section 1982.

370. Jason, who is Puerto Rican, and Ariela, who is Peruvian, are Hispanic and, thus, are members of a racial minority and a protected class.

371. Defendants’ acts have deprived Plaintiffs of their right to hold, use, and/or enjoy their property.

372. With respect to Jason and Ariela, Defendants acts were motivated by a discriminatory animus and an intent to deprive them of, and interfere with, their right to hold, use, and/or enjoy their property because of their race.

373. With respect to Ana and Walt, Defendants acts were motivated by a discriminatory animus and an intent to deprive them of, and interfere with, their right to hold, use, and/or enjoy their property because of their association with their Hispanic spouses – Jason, who is Puerto Rican, and Ariela, who is Peruvian.

374. As a result, Plaintiffs are entitled to damages in an amount, and injunctive relief in a form, to be determined at trial.

SECOND CAUSE OF ACTION
(Violation of 42 U.S.C. § 1985 – Conspiracy to Interfere with Civil Rights)
(Against All Defendants)

375. Plaintiffs repeat and reallege each allegation above as if fully set forth herein.

376. Defendants acted in concert for the purpose of depriving Plaintiffs of their rights, including, *inter alia*, those to hold, use, and/or enjoy their property under Section 1982.

377. In furtherance of their conspiracy, Defendants repeatedly committed various acts of harassment and intimidation and other misconduct directed towards Plaintiffs.

378. Defendants' alleged acts committed in furtherance of this conspiracy have caused Plaintiffs to suffer injuries to their person or property and/or suffer the discriminatory deprivation of one or more of their rights or privileges guaranteed by the Constitution or laws, including their rights protected by Section 1982.

379. As a result, Plaintiffs are entitled to damages in an amount, and injunctive relief in a form, to be determined at trial.

THIRD CAUSE OF ACTION
(Violation of Title VIII of Civil Rights Act of 1968 – Fair Housing Act)
(42 U.S.C. § 3617)
(Against All Defendants)

380. Plaintiffs repeat and reallege each allegation above as if fully set forth herein.

381. Plaintiffs are members of one or more protected groups.

382. Defendants, motivated by a discriminatory animus, intentionally intimidated, threatened, and/or interfered with Plaintiffs in their exercise or enjoyment of, or on account of their having exercised or enjoyed, or on account of their having aided or encouraged any other person in the exercise or enjoyment of, their rights guaranteed by 42 U.S.C. §§ 3603-3606 to use and enjoy their home free from unlawful and discriminatory conduct based on race.

383. As a result of the foregoing, Defendants have violated 42 U.S.C. § 3617.

384. Defendants' actions demonstrate a willful and gross disregard for Plaintiffs' rights.

385. As a result, Plaintiffs are entitled to damages in an amount, and injunctive relief in a form, to be determined at trial.

FOURTH CAUSE OF ACTION
(Private Nuisance Under New York Law)
(Against All Defendants)

386. Plaintiffs repeat and reallege each allegation above as if fully set forth herein.

387. Defendants have caused an interference substantial in nature, intentional in origin, and unreasonable in character, with Plaintiffs' property right to use and enjoy their land.

388. As a result, Plaintiffs are entitled to damages in an amount, and injunctive relief in a form, to be determined at trial.

FIFTH CAUSE OF ACTION
(Violation of the N.Y. Civil Rights Law § 79-n)
(Against All Defendants)

389. Plaintiffs repeat and reallege each allegation above as if fully set forth herein.

390. Under N.Y. Civil Rights Law Section 79-n(2): “Any person who intentionally selects a person or property for harm or causes damage to the property of another or causes physical injury or death to another, or subjects a person to conduct that would constitute harassment under section 240.25 of the penal law, or summons a police officer or peace officer without reason to suspect a violation of the penal law, any other criminal conduct, or an imminent threat to a person or property, in whole or in substantial part because of a belief or perception regarding the race, color, [or] national origin ... of a person, regardless of whether the belief or perception is correct, or any person who aids or incites any such conduct, shall be liable, in a civil action or proceeding maintained by such individual or group of individuals, for injunctive relief, damages, or any other appropriate relief in law or equity.”

391. By their acts alleged, Defendants repeatedly and intentionally subjected Plaintiffs to intimidation and harassment.

392. Defendants acts were motivated by their discriminatory bias against Hispanics.

393. Plaintiffs have suffered injuries as a result of Defendants’ bias-related conduct.

SIXTH CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)
(Against All Defendants)

394. Plaintiffs repeat and reallege each allegation above as if fully set forth herein.

395. Defendants have engaged in extreme and outrageous conduct, including, *inter alia*, a deliberate and malicious campaign of harassment and intimidation directed at Plaintiffs, with an intent to cause, or in disregard of a substantial probability of causing, severe emotional distress.

396. Defendants’ extreme and outrageous conduct directed at Plaintiffs has caused Plaintiffs to suffer severe emotional distress.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment and relief as follows:

- (a) Awarding Plaintiffs injunctive relief enjoining Defendants from future violations of rights guaranteed by federal and state law;
- (b) Awarding Plaintiffs compensatory damages;
- (c) Awarding Plaintiffs punitive damages;
- (d) Awarding Plaintiffs' counsel's reasonable attorney's fees and costs; and
- (h) Granting such other and further relief as the Court deems appropriate.

JURY DEMAND

Plaintiffs hereby demand a trial by jury on all issues triable by a jury.

Dated: White Plains, NY
July 14, 2022

LACHTMAN COHEN P.C.




Brian S. Cohen [BC-2091]
Gregory A. Blue [GB-9569]
Lia E. Fierro [LF-4412]
245 Main Street | Suite 230
White Plains, NY 10601
Tel: (914) 893-4720
Email: bcohen@lcpclaw.com
Email: gblue@lcpclaw.com
Email: lfierro@lcpclaw.com
Attorneys for Plaintiffs

VERIFICATION

STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER)

JASON DELEON, being duly sworn, deposes and says:

I am a plaintiff in this action. I have read the annexed Verified Complaint and know the contents thereof. As to the Verified Complaint, each of the allegations contained in the separately numbered paragraphs are true based on my own personal knowledge, except as to matters alleged upon information and belief, and as to those matters, I believe them to be true.

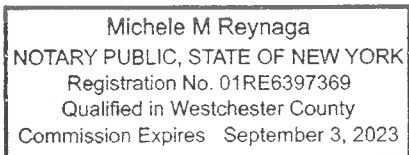


JASON DELEON

Sworn to before me this
14 day of July 2022



Notary Public



VERIFICATION

STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER)

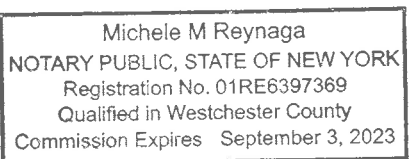
ANA CARRACA-DELEON, being duly sworn, deposes and says:

I am a plaintiff in this action. I have read the annexed Verified Complaint and know the contents thereof. As to the Verified Complaint, each of the allegations contained in the separately numbered paragraphs are true based on my own personal knowledge, except as to matters alleged upon information and belief, and as to those matters, I believe them to be true.


ANA CARRACA-DELEON

Sworn to before me this
14 day of July 2022


Notary Public

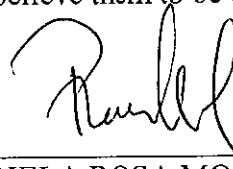


VERIFICATION

STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER)

ARIELA ROSA MORI-GEHRING, being duly sworn, deposes and says:

I am a plaintiff in this action. I have read the annexed Verified Complaint and know the contents thereof. As to the Verified Complaint, each of the allegations contained in the separately numbered paragraphs are true based on my own personal knowledge, except as to matters alleged upon information and belief, and as to those matters, I believe them to be true.

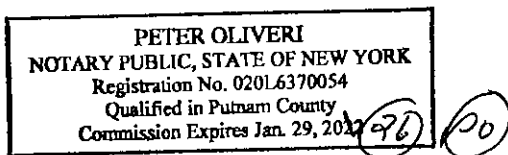


ARIELA ROSA MORI-GEHRING

Sworn to before me this
14th day of July 2022



Notary Public



VERIFICATION

STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER)

WALTER GEHRING, being duly sworn, deposes and says:

I am a plaintiff in this action. I have read the annexed Verified Complaint and know the contents thereof. As to the Verified Complaint, each of the allegations contained in the separately numbered paragraphs are true based on my own personal knowledge, except as to matters alleged upon information and belief, and as to those matters, I believe them to be true.


WALTER GEHRING

Sworn to before me this
19th day of July 2022



Notary Public

